

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Civil Contempt Petition No. 374 of 2005.
(Arising out of Writ petition No. 338 (S/S) of 2001)**

Suraj Lal, S/O Santu, R/O Village Chinyalisond, P.O. Chinalisond,
District Uttarkashi.

.....Appellant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region,
85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle,
Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II
Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

With

**(1) Civil Contempt Petition No. 161 of 2005.
(Arising out of Writ petition No. 2390 of 2001)**

Jai Chand, S/O Sri Hari Singh, R/O Village Bangal Patti, Tehsil &
District Tehri Garhwal.

.....Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region,
85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle,
Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II
Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

**(2) Civil Contempt Petition No. 162 of 2005.
(Arising out of Writ Petition No. 2385 of 2001)**

Sabbal Singh, S/O Kundan Lal, R/O Village Karkhat, Nagun Patti,
Tehri Garhwal.

...Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region,
85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle,
Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II
Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

(3) Civil Contempt Petition No. 163 of 2005.
(Arising out of Writ Petition No. 2387 of 2001)

Tulsi Lal S/O Jhager Lal, R/O Village Kot-Patti, Tehsil Dunda District Uttarkashi..

....Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region, 85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle, Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

(4) Civil Contempt Petition No. 164 of 2005.
(Arising out of Writ Petition No. 2386 of 2001)

Kalyan Singh S/O Baisakh Singh, R/O Village Bhugara Patti, Tehsil Dunda, District Uttarkashi.

.....Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region, 85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle, Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

(5) Civil Contempt Petition No. 373 of 2005.
(Arising out of Writ Petition No. 340 (S/S) of 2001)

Virendra S/O Manglu, R/O Village Chinyalisond, P.O. Chinyalisond, District Uttarkashi.

.....Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region, 85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle, Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents

(6) Civil Contempt Petition No. 375 of 2005.
(Arising out of Writ Petition No. 2056 of 2001)

Joot Singh S/O Rangat Sing, R/O Daski Gad, Range, P.O. Barethi, Dharasu, District Uttarkashi.

.....Applicant.

Vs.

1. Sri B.S. Barfal, Chief Conservator of Forest, Garhwal Region, 85, Rajpur Road, Dehradun.
2. Sri Vinod Kumar, Conservator of Forest, Bhagirathi Circle, Muni Ki Reti, District Tehri Garhwal.
3. Sri Mukul Kumar Joshi, Divisional Forest Officer, Tehri Dam II Forest Division, Kot-Bangla, District Uttarkashi.

.....Respondents.

Sri Ramesh Tamta, learned counsel for the petitioners.

Sri Nand Prasad, Learned Standing counsel for the O.P.-respondents.

Date March 29, 2007.

P.C.: Hon'ble B.S. Verma, J.

Learned counsel for the applicant Sri Ramesh Tamta has submitted that in all these contempt petitions the matter is dispute between the parties similar and the opposite parties are the same in these writ petitions, therefore, for the sake of convenience, they are being heard and decided together by this common order.

Relevant facts giving rise to the present contempt petitioners are that the respondents herein were directed to consider the regularization of the petitioners-applicants in accordance with the judgment of Apex Court in case of ***State of U.P. Vs. Putti Lal [2002 D(1) E.L.C. 524 (S.C.)]***, wherein the Apex Court in relation to the State of Uttaranchal has observed that "*needless to mention that the appropriate authority will consider the case of these daily wagers sympathetically who have discharged the duties for all these years to the satisfaction of their authority concerned. So far as the salary is concerned as we have stated in the case of State of Uttar Pradesh, a daily wager in the State of Uttaranchal would also be entitled to the minimum of the pay scale as is available to his counter parts to in the Government until his services are regularized and he is given regular scale of pay.*" This court while deciding a number of Writ Petitions along with Writ Petition No. 3610 of 2001, Magan Singh and another Vs. State of U.P. & others vide judgment and order dated 29-6-2004 has elaborately discussed the aforesaid judgment of Apex Court

and ultimately directed that "the petitioners shall be at liberty to move fresh representations within three weeks after obtaining certified copy of the order. The respondents are directed to consider the representations of the petitioners for regularization in accordance with the qualification, other eligibility criteria and in accordance with the recruitment rules, within a period of six weeks after filing the representations." In all these contempt petitions, the grievance of the petitioners is more or less is the same that the respondents have deliberately flouted the directions of this Court.

Counter-Affidavits have been filed by the respondents and it has been stated that the representations of the petitioners have been dismissed by the respondent. It reveals from the Annexure Nos. C.A.-1 and C.A.-2 annexed with the counter affidavit filed by the respondent no.3, Divisional Forest Officer in Contempt Petition No. 374 of 2005 that the decision on the point of regularization and minimum wages has already been taken by the respondents and the order has been communicated to the workmen concerned.

In view of above, no case of contempt is made out against the opposite parties-respondents. However, it is provided that if the petitioner feel aggrieved by the orders passed by the respondents on their representations, they shall be at liberty to challenge the order passed by the respondents by filing a new writ petition.

All the contempt petitions are therefore liable to be dismissed and are dismissed. Notices issued to the respondents are discharged.

(B.S. Verma, J.)